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10 Attorneys for Cross-Defendant, SUNNYSLOPE
11 COUNTY WATER DISTRICT

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

12 JOSEPH VALLEJO, VICTOR
13 ESPERICUETA and CHRISTOPHER JONES
14 on behalf of themselves and all others
similarly situated,

15 Plaintiff,

16 vs.

17 THE NEIL JONES FOOD COMPANY, dba
18 SAN BENITO FOODS,

19 Defendant.

Case No. 5:24-cv-06835-NW

**NOTICE OF MOTION AND MOTION TO
DISMISS THE NEIL JONES FOOD
COMPANY DBA SAN BENITO FOODS
CROSS-COMPLAINT**

Date: October 1, 2025

Time: 9:00 a.m.

Crtrm.: 3 – 5th Floor

Trial Date: None Set

19 THE NEIL JONES FOOD COMPANY, dba
20 SAN BENITO FOODS,

21 Cross-Complainant,

22 vs.

23 SUNNYSLOPE COUNTY WATER
24 DISTRICT, a proprietary entity; ROES 1-10,
inclusive,

25 Cross-Defendant.

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27 ///

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1 PLEASE TAKE NOTICE that on October 1, 2025 at 9:00 a.m. or as soon thereafter as the
 2 matter may be heard by the Honorable Noel Wise, Courtroom 3, of the United States District Court,
 3 Northern District of California, located at 280 South 1st Street, San Jose, CA 95113, Cross-
 4 Defendant Sunnyslope County Water District (“SCWD”) will, and hereby does, move to dismiss
 5 the Third through Sixth causes of action from Cross-Complainant THE NEIL JONES FOOD
 6 COMPANY, dba SAN BENITO FOODS’ (“NJFC” or “Cross-Complainant”) Cross-Complaint
 7 pursuant to Federal Rules of Civil Procedure (“FRCP”) 12(b)(6). The legal basis for the Motion to
 8 Dismiss is as follows:

9 Pursuant to FRCP 12(b)(6), Cross-Defendant moves to dismiss the Third through Sixth
 10 causes of action of the Cross-Complaint on the ground that they fail to state a cause of action against
 11 public entity SCWD in that they fail to state a statutory basis for liability as required by California
 12 Government Code Section 815(a).

13 The Motion is based on this Notice of Motion and Motion to Dismiss, the accompanying
 14 Memorandum of Points and Authorities and all facts the Court may or should take judicial notice
 15 of, the pleadings, records, and files in this action, and any oral or documentary evidence presented
 16 at the hearing on this Motion.

17 DATED: June 17, 2025

LEWIS BRISBOIS BISGAARD & SMITH LLP

19 By: /s/ Joseph A. Salazar, Jr.

20 JOSEPH A. SALAZAR JR.

21 Attorneys for Cross-Defendant, SUNNYSLOPE
 22 COUNTY WATER DISTRICT

FEDERAL COURT PROOF OF SERVICE

Joseph Vallejo, et al. v. The Neil Jones Food Company, et al.
Case No. 5:24-cv-06835-NW

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to the action. My business address is 2020 West El Camino Avenue, Suite 700, Sacramento, CA 95833. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On June 17, 2025, I served the following document(s):

- NOTICE OF MOTION AND MOTION TO DISMISS THE NEIL JONES FOOD COMPANY DBA SAN BENITO FOODS CROSS-COMPLAINT

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

SEE ATTACHED SERVICE LIST

The documents were served by the following means:

(BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on June 17, 2025, at Sacramento, California.

/s/ Alicia Crespo

Alicia Crespo

1 SERVICE LIST

2 Joseph Vallejo, et al. v. The Neil Jones Food Company, et al.
3 Case No. 5:24-cv-06835-NW

4	5	Mike Arias Arnold C. Wang Arias Sanguinetti Wang & Team LLP 6701 Center Drive West, 14th Floor Los Angeles, California 90045	6	7	Attorneys for Plaintiffs, JOSEPH VALLEJO, VICTOR ESPERICUETA and CHRISTOPHER JONES on behalf of themselves and all others similarly situated T: 310-844-9696 F: 310-861-0168 mike@aswlawyers.com arnold@aswlawyers.com
8	9	10 Steven D. Liddle Laura L. Sheets, D. Reed Solt Liddle Sheets PC 975 E. Jefferson Avenue Detroit, Michigan 48207 *Pro Hac Vice Applications to be submitted	11	12	13 Attorneys for Plaintiffs, JOSEPH VALLEJO, VICTOR ESPERICUETA and CHRISTOPHER JONES on behalf of themselves and all others similarly situated T: 313-392-0015 F: 313-392-0025 sliddle@lsccounsel.com lsheets@lsccounsel.com rsolt@lsccounsel.com mrobb@lsccounsel.com
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